



February 13, 2004

ENGROSSED SENATE BILL No. 395

DIGEST OF SB 395 (Updated February 11, 2004 6:23 pm - DI 96)

Citations Affected: IC 9-13; IC 9-17; IC 9-18; IC 9-22; IC 9-23; IC 9-24; IC 14-16.

Synopsis: Various motor vehicle matters. Revises the definition of approved motorcycle driver education and training course to include a course offered by a new motorcycle dealer. Requires a person to obtain a certificate of title from the bureau of motor vehicles for an off-road vehicle that the person purchases after June 30, 2004. Requires a person who becomes an Indiana resident after June 30, 2004, to obtain a certificate of title from the bureau for an off-road vehicle: (1) that the person owns; and (2) for which a certificate of title was issued by another state. Authorizes an eligible individual to receive not more than five disabled veteran license plates for vehicles registered to the person. Specifies that a learner's permit holder who: (1) is less than 18 years old and holds a validated permit; or (2) is enrolled in an approved driver's education course; may drive a motor vehicle when the seat beside the driver's seat is occupied by a stepparent of the permit holder who holds a valid operator's license.

Effective: Upon passage; July 1, 2004.

Sipes, Wyss, Hume

(HOUSE SPONSORS — RESKE, DUNCAN)

January 12, 2004, read first time and referred to Committee on Transportation and Homeland Security.

January 22, 2004, amended, reported favorably — Do Pass.

January 26, 2004, read second time, ordered engrossed. Engrossed.

January 29, 2004, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Roads and Transportation.

February 12, 2004, amended, reported — Do Pass.

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February 13, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 395

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Approved motorcycle driver
3 education and training course" means:

4 (1) a course offered by a public or private secondary school, a
5 **new motorcycle dealer**, or other driver education school offering
6 motorcycle driver training as developed and approved by the
7 superintendent of public instruction and the bureau; or

8 (2) a course that is offered by a commercial driving school or new
9 motorcycle dealer and that is approved by the bureau.

10 SECTION 2. IC 9-13-2-42, AS AMENDED BY P.L.74-2001,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise
13 provided in this section, a person who sells to the general public,
14 including a person who sells directly by the Internet or other computer
15 network, at least twelve (12) vehicles each year for delivery in Indiana.
16 A dealer must have an established place of business that meets the
17 minimum standards prescribed by the bureau under rules adopted

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under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

(4) A person that sells off-road vehicles.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 3. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, ~~or~~ a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 5. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**
- (2) are off-road vehicles for which a certificate of title was issued by another state;**

and that (2) will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

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SECTION 6. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person that purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**

(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 10. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2004]: **Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 11. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 12. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
 - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
 - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(5) Off-road vehicles.

SECTION 13. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~ **(5) five (5)** disabled veteran license plates may be issued to each eligible person.

SECTION 14. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

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1 SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a) This section**
 3 **does not apply to a manufacturer of off-road vehicles.**

4 **(b)** Notwithstanding the terms, provisions, or conditions of any
 5 agreement or franchise, the manufacturer or the converter manufacturer
 6 is liable for all damage to a new motor vehicle before delivery to a
 7 carrier or transporter.

8 SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that**
 11 **sells off-road vehicles.**

12 SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit
 14 authorizes the permit holder to operate a motor vehicle, except a
 15 motorcycle, upon a public highway under the following conditions:

16 (1) While the holder is participating in practice driving in an
 17 approved driver education course and is accompanied by a
 18 certified driver education instructor in the front seat of an
 19 automobile equipped with dual controls.

20 (2) If the learner's permit has been validated and the holder is less
 21 than eighteen (18) years of age, the holder may participate in
 22 practice driving if the seat beside the holder is occupied by a
 23 guardian, **stepparent**, or relative of the holder who holds a valid
 24 operator's, chauffeur's, or public passenger chauffeur's license.

25 (3) If the learner's permit has been validated and the holder is at
 26 least eighteen (18) years of age, the holder may participate in
 27 practice driving if accompanied in the vehicle by an individual
 28 who holds a valid operator's, chauffeur's, or public passenger
 29 chauffeur's license.

30 (4) While:

31 (A) the holder is enrolled in an approved driver education
 32 course;

33 (B) the holder is participating in practice driving after having
 34 commenced an approved driver education course; and

35 (C) the seat beside the holder is occupied by a parent,
 36 **stepparent**, or guardian of the holder who holds a valid
 37 operator's, chauffeur's, or public passenger chauffeur's license.

38 SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this**
 41 **chapter does not relieve an owner of an off-road vehicle from any**
 42 **requirement to obtain a certificate of title for the off-road vehicle**

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1 **under IC 9-17-2.**
2 **SECTION 22. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 395.

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COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 395, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "school" and insert "school, **a new motorcycle dealer,**".

Page 1, delete lines 8 through 17, begin a new line block indented and insert:

"(2) a course that is offered by a commercial driving school or new motorcycle dealer and that is approved by the bureau.".

Delete pages 2 through 4.

Page 5, delete lines 1 through 11.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 395 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 9-13-2-42, AS AMENDED BY P.L.74-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

(4) A person that sells off-road vehicles.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 3. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, or a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 5. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

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(1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**
(2) are off-road vehicles for which a certificate of title was
issued by another state;
 and **that** ~~(2)~~ will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 6. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person that purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**
- (3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.**

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ **(c)** A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

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(c) (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 10. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. **A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 11. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **This chapter does not apply to an off-road vehicle.**

SECTION 12. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
 - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
 - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(5) Off-road vehicles.

SECTION 13. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~ **(5)** disabled veteran license plates may be issued to each eligible person.

SECTION 14. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a) This section does not apply to a manufacturer of off-road vehicles.**

(b) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the manufacturer or the converter manufacturer is liable for all damage to a new motor vehicle before delivery to a carrier or transporter.

SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that sells off-road vehicles.**

SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger

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chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 395 as printed January 23, 2004.)

RESKE, Chair

Committee Vote: yeas 12, nays 0.

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